

MassDEP Public Meeting

Mass Rivers Alliance Petition to condition
WMA Registrations

September 12, 2017

1 PM – 3 PM

100 Cambridge Street

2nd Floor, Room

Boston, MA

Water Management Act

MGL c. 21G

310 CMR 36.00

The “Act” was passed in December 1985 and provided for a recognition of existing withdrawals through the filing of a Registration Statement.

Registration Statements must at a minimum contain:

1. The use for which the water is being withdrawn
2. Identification of the water source (in sufficient detail) from which the withdrawal is being made
3. Location of the withdrawal
4. Volume of the withdrawal, including seasonal variation
5. Conservation measures instituted, or to be instituted
6. The point or points of where the water will be discharged after use

WMA: Registration Statements

Registrations

- Water rights based on prior use (1981-1985)
 - Sources
 - Average daily use (mgd)
 - Average annual use (mgy)

- Minimal conditions without regulation change
 - Meter sources (Agricultural exemptions)
 - Calibrate meters
 - Annual Reporting

- Normal Variation* may be recognized

- Not subject to Safe Yield limitation (*Normal variation is subject to safe yield considerations)

Registration History- Part 1

- Registration Statements have a 10 year term
 - Renewable if requested 6 months prior to the expiration date on forms provided by the Department
- PWS Renewals in 2007 included conditions requiring:
 - Meet 65/10 Performance Standards by 12/31/17
 - Compliance plans for those exceeding 80/15 beginning with 2009 ASR
 - Compliance plans for those exceeding 65/10 beginning with 2012 ASR
 - Implement Water Use Restrictions
 - ≤ 65 according to their Seasonal Plan at Drought Advisory or greater
 - ≥ 66 One day per week outside of 9 – 5 pm at Drought Advisory or greater

Registration History- Part 2

- The decision of the MA SJC in Fairhaven, et al v. DEP, 455 Mass. 740 (2010), as corrected and amended, required MassDEP to first promulgate regulations before including new conditions in registration renewals.
- Minimum “Registration Conditions” set out in 310 CMR 36.08 (as authorized by G.L. c. 21G, s. 6) were not challenged in Fairhaven and therefore continue to apply and be subject to enforcement.
 - meter
 - calibrate meter
 - maintain records and report withdrawal data

WMA: Permits

Permits

- Those who failed to register, new sources, or additional volumes after registration period
- 20-year renewal on basin schedule with periodic reviews
- Subject to impact review and conditions, including
 - Efficiency Requirements
 - 65 residential gallons per capita day (RGPCD)
 - 10% unaccounted-for-water (UAW)
 - BMPs (leak detection & repair, metering, pricing, public education etc.)
 - Seasonal Limits on nonessential outside water use
 - Operational limitations and/or monitoring of individual sources
 - Cold Water Fishery
 - Minimization
 - Mitigation
- Cannot permit volumes that exceed Safe Yield

Nonessential Outdoor Water Use Restrictions

Non-Essential: Uses not required for health or safety reasons, by regulation, for production of food or fiber, for maintenance of livestock, or to meet the core function of a business

RGPCD for prior year	CALENDAR		STREAMFLOW		
	May 1 to Sept 30	7 day Low- Flow Trigger	Flow above ABF	Flow below ABF	7 day Low- Flow Trigger
< 65 →	7 days *	1 day *	7 days	7 days*	1 day*
>65 →	2 days *	1 day*	7 days	2 days*	1 day*

* No watering 9 am to 5 pm on any day

ABF= Aquatic Base Flow

7 Day Low Flow calculated from period of record flows from a local USGS stream gage

Surface water PWSs with a Summer Management Plan with environmental considerations approved by MassDEP may vary from above requirements

Statewide Totals by Water Use Types

Use Type	# of Registrations	# of permits	Registered volume (mgd)	Permitted volume (mgd)	Total (mgd)	% of Total usage
PWS	262	191	799.56	127.2	926.72	71.7%
Agriculture	29	4	4.47	0.40	4.87	0.4%
Cranberry	350	41	106.22	9.67	115.89	8.9%
Golf	93	62	11.12	9.42	20.54	1.6%
Other	75	54	191.51	37.37	228.88	17.6%
Totals	808	352	1113.20	184.06	1297.26	

Notes:

- **Registration volumes equal 85.8% of the total allocation.**
- 59 PWS are registered only
- 27 Agricultural users are registered only
- 322 cranberry growers are registered only
- 89 Golf courses are registered only
- 68 Other users are registered only

PWS Withdrawal Volumes Statewide

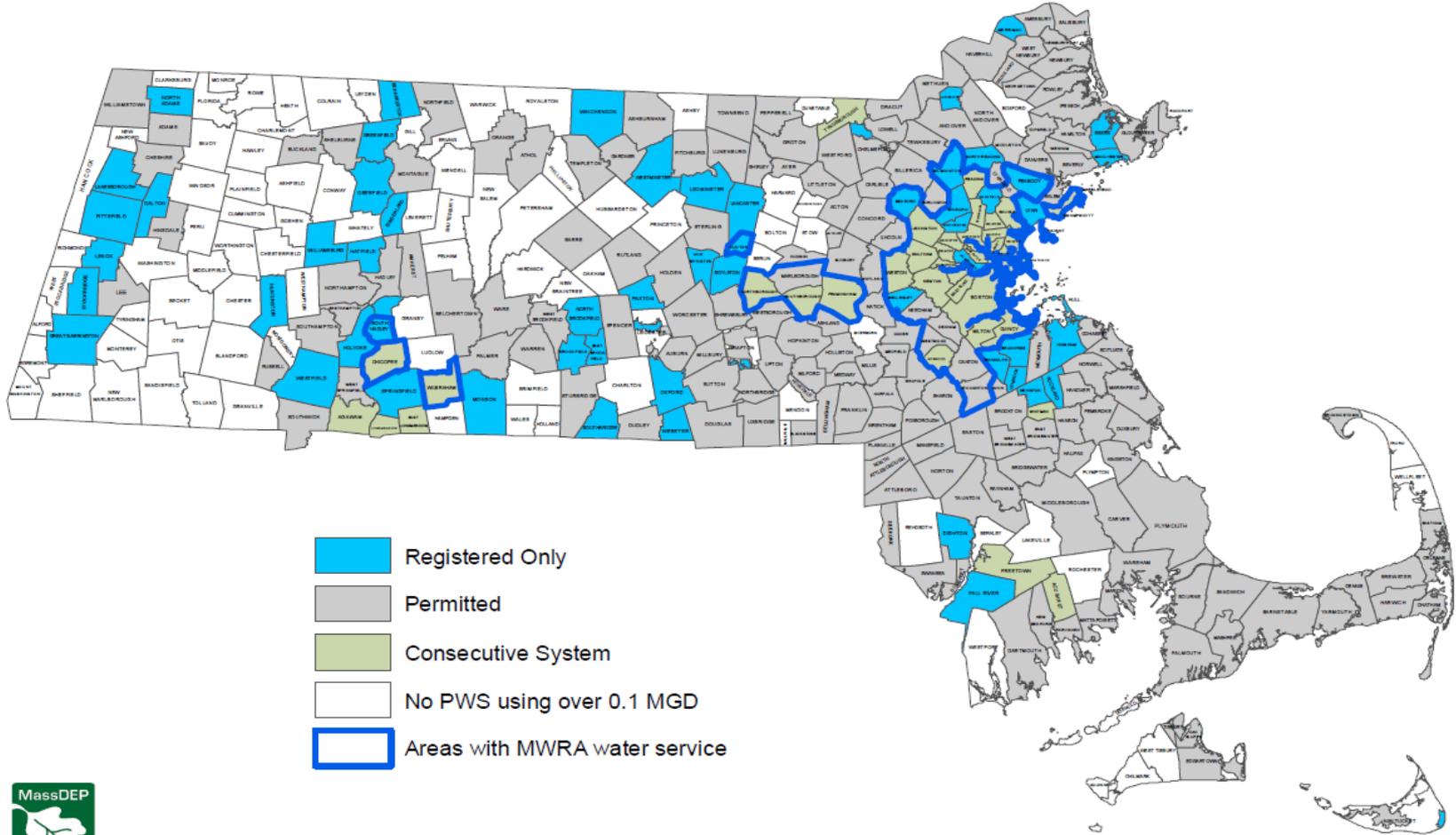
	# of PWS	Registered Volume (mgd)	Permitted Volume (mgd)	Total Volume (mgd)	2015 Actual Withdrawals (mgd)	2015 withdrawals as a % of Total allowed
Registered only	59	497.60	-	497.60	336.55	68%
Permitted	177	301.96	127.2	432.12	312.01	72%

- While permitted volumes represent 14% of the total PWS volumes allocated, the Performance Standards and other conservation conditions are applied to 46% of the water allocated because of permits.
- For 2015 the average RGPCD and UAW values were:
 - 59 and 17% for Registered Only Systems
 - 57 and 13% for those with a Permit

10 Largest Registered only PWSs

PWS Name	Basin	Reg. Vol.*	2015 Withdrawals*	2016 Withdrawals*
MWRA	CHICOPEE	186.7	153.41	157.16
	NASHUA	126.12	47.17	44.85
Springfield	WESTFIELD	39.1	31.96	33.02
	CHICOPEE	1.82	0	0
Cambridge	CHARLES	16.16	13.88	10.52
Pittsfield	HOUSATONIC	13.5	8.79	8.49
Lawrence	MERRIMACK	9.46	6.22	6.03
Lynn	NORTH COASTAL	8.93	9.31	7.88
	IPSWICH	2.62	0.41	2.55
Fall River	MT. HOPE	8.22	8.73	8.73
	BUZZARDS BAY	6.37	0.98	2.28
Holyoke	CONNECTICUT	8.04	4.54	4.28
	WESTFIELD	1.01	0.34	0.31
Westfield	WESTFIELD	6.11	4.95	4.82
Peabody	IPSWICH	3.89	3.22	3.77
	NORTH COASTAL	1.89	1.39	1.17
		439.94	295.3	295.86
* MGD values				

TOWNS WITH REGISTERED-ONLY PUBLIC WATER SUPPLIES



Massachusetts Department of Environmental Protection

MassDEP GIS Program, July 2017

Western Region	Central Region	Northeast Region	Southeast Region
24	17	18	8

“Other” Category of Use Withdrawal Volumes

	#	Registered Volume (mgd)	Permitted Volume (mgd)	Total Volume (mgd)	2015 Actual Withdrawals (mgd)	2015 Withdrawals as a % of Total allowed
Registered only	68	160.30	-	160.30	16.47	10%
Permitted	54	31.21	37.37	68.58	27.31	40%

NOTE: 16 of the 68 registered only users reported either no withdrawals or had closed in 2015

Regional Locations of Registered only “Other” Category

Western Region	Central Region	Northeast Region	Southeast Region
19	21	11	17

10 Largest Registered Only Non-PWS Use Types

Name	Basin	Registered Vol. (mgd)	2015 Actual (mgd)
Mt. Tom Generating Co. LLC	Conn.	113.6	0
Newark International	Nashua	5.2	0.59
Crane & Co. Inc.	Housatonic	2.97	2.92
Bristol County Water Authority	Mt. Hope	2.7	0.70
Erving Paper Mills	Millers	2.66	1.81
Hollingsworth & Vose Company	Nashua	2.42	1.56
Haverhill Paperboard Corp.	Merrimack	2.23	Closed
Sandwich State Fish Hatchery	Cape Cod	2.05	1.07
Woronoco Realty Co.	Westfield	1.88	0
Aggregate Industries	Merrimack	1.58	0.03

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A petition titled "For the promulgation of Revised and Amended Regulations that impose Conservation Conditions on all Registrants to satisfy the purposes of the Massachusetts Water Management Act, the Water Conservation Standards (June 2012, as amended), and the Public Trust Doctrine" was submitted to MassDEP in March 2017 by the Massachusetts Rivers Alliance.

[Public Meeting Agenda](#)

A public meeting to discuss the petition will be held on September 12, 2017 from 1:00 to 3:00pm at 100 Cambridge Street, 2nd Floor Conference Rooms B, C and D, Boston, MA 02114.

<http://www.mass.gov/eea/agencies/massdep/water/watersheds/petition-amend-wma-regulations.html>

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